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BAYKEEPER

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BUILDING 18, SANDY HOOK • HIGHLANDS, NJ 07732 • (732) 291-0176 • 1-(800)-8BAYKPR
 Fax: (732) 291-7727 • WWW.NYNJBAYKEEPER.ORG • E-mail: NYNJ BAY@KEEPER.ORG

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Contact: Andrew Willner
 Tel: (732) 291-0176
 Cell: (732)-768-4848

*** * * PRESS ADVISORY * * ***

**NY/NJ BAYKEEPER LAUNCHES CAMPAIGN
 TO TAKE BACK THE HUDSON-RARITAN ESTUARY
 FROM POLLUTERS AND OTHER PRIVATE INTERESTS
 AT PUBLIC TRUST DOCTRINE CONFERENCE**

Monday, May 21, 9:30 a.m.
 Newark

NY/NJ Baykeeper is launching a campaign to inform the public about their legal rights as owners of the Hudson-Raritan Estuary. They are urging citizens to act against illegal polluters and developers who have denied rightful public access to the bays and rivers, and state agencies who have failed to enforce environmental regulations. The opening salvo of the Public Trust Doctrine Campaign will be a fish-in, rally and seminar on Monday, May 21, starting at 9:30 a.m. on the banks of the Passaic River in Newark, at the Helipad site on McCarter Highway.

Andrew J. Willner, executive director of Baykeeper, and keynote speaker Robert Kennedy, Jr. president of the Water Keeper Alliance, during a morning press conference beside the river, will put privileged private interests on notice of plans to make them pay

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for the natural resource damage they have done. Likewise, New York and New Jersey environmental agencies will be held responsible for their negligence in prosecuting environmental lawbreakers. U.S. Senator John Corzine , U.S. Representative Robert Menendez, Newark Mayor Sharpe James and 30 environmental and civic groups are expected to be in attendance at the conference.

The fish-in takes place near the Occidental Chemical Superfund site where Agent Orange was manufactured during the Vietnam War and dioxin, one of the most deadly toxins known, dumped into the Passaic River. Willner will call on the NJ Department of Environmental Protection to meet their legal responsibilities under the Public Trust Doctrine and file natural resource damage and cost recovery claims against the company. If Occidental doesn't pay for the Passaic cleanup then taxpayers will have to foot the bill that could match the cost and complexity of the GE Hudson River PCB cleanup.

"The Passaic River is a beautiful River that is one of the few in its region to maintain its natural course," said Mayor Sharpe James, "Working together, we will give our people back this great river."

"The citizens of the Hudson-Raritan Estuary are suffering from a temporary form of amnesia," said Willner. "We have forgotten that we literally and legally own the spectacular natural landscape surrounding us. The waters and the shorelines within the estuary do not belong to developers, polluters or government agencies. We -- all of us -- own the bays, rivers, wetlands and streams, and there's a way to take them back. It's called the Public Trust Doctrine."

The Public Trust Doctrine, an ancient Roman edict handed down through English common law and repeatedly upheld in U.S. courts, says citizens have an innate right to use tidal waters, waterfronts and wetlands for boating, swimming, fishing and other traditional purposes.

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Under the Doctrine, it is the duty of the state to act as public trustee and enforce environmental regulations. In 1999, the NY/NJ Baykeeper, Rutgers Environmental Law Clinic and other groups united to defeat developers who denied citizens access to an 18-mile stretch of Hudson River shoreline. The legal victory was based on the application of the Public Trust Doctrine.

“This victory has emboldened us to launch a campaign to take back the rivers and bays from private interests,” said Willner. “It is time that citizens -- fishermen, boaters, birders, and shore walkers -- reclaim the estuary denied to them by chain-link fences, pollution and policy.”

“We all as New Jerseyans must be committed to protecting our environment and especially vigilant in protecting our precious water resources,” said Senator Corzine.

In coming months, NY/NJ Baykeeper and its allies plan to identify and publicize hundreds of contaminated sites and illegal developments where New York and New Jersey regulators have chosen to take no action. In New Jersey, the Department of Environmental Protection has, for example, failed to file natural resource damage actions against many polluters where the statute of limitations will begin expiring at year's end.

Public Trust Doctrine Conference seminars will take place on the afternoon of May 21st at the Center for Law and Justice at Rutgers University at 123 Washington Street. Distinguished panelists will lead discussions designed to help citizens mobilize using grassroots organizational techniques, media, litigation, and legislation to take back what rightfully belongs to the people: the waters of the Hudson-Raritan Estuary.

For a complete listing of workshop panelists and moderators, visit www.nynjbaykeeper.org.

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